

## **REMARKS**

Prior to this Amendment and Response, claims 3-9 and 21-27 were pending in the Application. Herein, claims 21, 26 and 27 were amended, claims 28-30 were added, and no claims were cancelled. Therefore, upon entry of the Amendment, claims 3-9 and 21-30 will remain pending in the Application. Entry of this Amendment, reconsideration, and allowance of the pending claims is respectfully requested.

### **Response to Arguments**

In paragraph 2 of the Office Action mailed 16 February 2005, the Examiner stated that the Office Action mailed 5 May 2004 did not indicate any allowable subject matter and that the pending claims are rejected for the same reasons discussed in the previous office action. Applicants respectfully point out, however, that the claims rejected in the Office Action mailed 16 February 2005 were new and had not been presented previously. In fact, they were fashioned according to the Examiner's indication of allowable subject matter in the Office Action dated 5 November 2003. Applicants believe, of course, that this indication of allowable subject matter was proper, and that the claims presented according to the Examiner's recommendation are distinguishable from the *Su* reference (claims 10 and 15 having been rewritten as claims 21 and 26, respectively).

This matter, however, is secondary to the arguments presented by Applicants in the Amendment dated 5 August 2004 (because presumably the Examiner has withdrawn the statement of allowability). Although these arguments were briefly addressed in the Advisory Action mailed on 22 September 2004, it is not clear whether they have been taken into account in the rejections set forth in the current Office Action.

For example, to meet the element of a variable attenuator in claim 21, the block "P1" is still cited, even though it is of unknown attenuation and in any event inactive during the loopback test described by *Su*. In claim 21, of course, the mere presence of a step attenuator is not sufficient; the variable attenuator applies a selected (i.e. known) attenuation, as directed by

the test controller, while the first WLAN device is under test not after the test has been completed. Applicants respectfully request clarification in this regard.

In order to place the claims in a more satisfactory form, however, Applicants have amended the independent claims in an attempt to clarify the specific configuration that is being recited in the claims and to further limit the scope of the claimed invention. Finally, as the Examiner has withdrawn the indication of allowability, however, the limitation that was added pursuant thereto has now been returned to corresponding dependent claims as new claims 28, 29, and 30.

### **Claim Rejections – 35 U.S.C. §102**

In paragraphs 3 and 4 of the Office Action, the Examiner rejected claims 3, 5-6, and 21-27 under 35 U.S.C. §102 as being anticipated by *Su* (U.S. Patent No. 6,272,322). Applicants respectfully traverse this rejection. Initially, it is noted that the present invention is not simply an aggregation of components; the first and second WLAN devices in each of the main claimed embodiments (represented by independent claims 21, 26, and 27) each take on a definite role in the relationship as either a control device or a device under test. This is not to say that the actual devices in a WLAN might be incapable of performing either function, but rather that the recited apparatus describes their each doing only one. The Office Action does not indicate which of the devices is being considered the control device and which the device under test. Nor is it immediately apparent how such a distinction could be made. If the transmitters and receivers of each node in *Su* perform substantially identical functions, and it appears that in general they are required to, then the present invention is distinguishable for that reason.

In addition, in claims 21, 26, and 27, the recited variable attenuator comprises a first port and a second port, the ports being functionally different in addition to being connected to different devices. Because the first WLAN device and the second WLAN device cannot be found in *Su*, neither can the first port and the second port. In addition, it is unclear whether P1 is being identified as the variable attenuator asserted to meet the claims of the present Application. As previously noted by Applicants, P1 is apparently not activated, at least not until the loop back

test and the path loss calibration test have first been performed. In addition, its attenuation level is unknown, at least until later calibrated, and therefore there appears no way for it to apply a “selected attenuation level” to a WLAN device generated signal, at least not while the WLAN device is either a device under test or a control device. Whether it is theoretically controllable by a test controller during this time, *Su* does not teach that it is as part of the test.

It should also be apparent from the disclosure of the present Application that the variable attenuator of the claimed invention is separate component connectable between the first and second WLAN devices. It is not an attenuation, known or unknown, that is STET (no change) part of the transmit path of a WLAN device transmitter or the receive path of a WLAN device receiver. This is of some advantage because the variable attenuator needed for the test need not be present in each WLAN device. The present invention performs calibration of, for example, the RSSI. The RSSI is calibrated once, or as needed, but is not continually adjusted due for example to relocation of the WLAN device. *Su*, in contrast, is directed at a method for determining transmit and receive path gains without the use of a central controller.

Finally, *Su* also lacks a test controller as recited in claims 21, 26, and 27. The test controller is not simply processing logic in the general sense, but is required to be operable to perform a specific function. In claim 21, the test controller is coupled to the variable controller and to the first WLAN device and selects both the attenuation level of the variable attenuator and the parameters of the first WLAN device-generated signal, the first WLAN device forming a device under test. *Su* does not teach or suggest “processing logic” that performs both of these functions. Claims 26 and 27 have similar requirements for the test controller, and are distinguishable from *Su* for analogous reasons.

Without detracting from the arguments above, Applicants have also have amended independent claims 21, 26, and 27 to more directly focus on the present invention, and it is anticipated, place them in a clearly allowable condition. It should now be clear that in each of these claims, one of the two WLAN devices forms a device under test and the other forms a control device. Claims 21, 26, and 27 have been amended to require that the variable attenuator be selectably connectable to the test controller, meaning that they are not one and the same

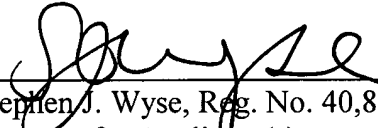
Application No.: 09/558,974  
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device. This configuration, while not a permanent one with respect to either WLAN device or any other network node, provides the advantage of reducing the cost of those individual devices. This configuration is not taught or suggested in the prior art.

In light of the foregoing, all of the pending claims are believed to be in condition for allowance. Accordingly, examination and allowance of pending claims 3-9, and 21-30 is respectfully requested.

Respectfully submitted,

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Date

  
Stephen J. Wyse, Reg. No. 40,880  
Attorney for Applicant(s)

SCHEEF & STONE, L.L.P.  
5956 Sherry Lane, Suite 1400  
Dallas, Texas 75225  
Telephone: (214) 706-4211  
Facsimile: (214) 706-4242  
E-mail: [stephen.wyse@scheefandstone.com](mailto:stephen.wyse@scheefandstone.com)